IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL REVISION APPLICATION NO.217 OF 2002.

Shailesh Chauhan. ... Applicant.

Versus.

Rajendra Govind Solanki & ors. ... Respondents.

Ms.Alpa Javeri for the Applicant.

Shri Sachin Joshi for the Respondents Nos.1 and 2.

Shri K.V.Saste, A.P.P. for the State.

CORAM : ABHAY S. OKA, J.

DATED : 21st June, 2005.

P.C.:

1. Heard the learned Counsel appearing for the parties. By this Criminal Revision Application, exception has been taken by the original Complainant to the Judgment and Order dated 12th February 2002 passed by the learned Chief Judicial Magistrate by which the Respondents Nos.1 and 2 were acquitted of the offences punishable under sections 326 and 504 read with section 34 of the Indian Penal Code.

2. The learned Counsel appearing for the Applicant submitted that the learned Chief Judicial Magistrate has overlooked the injury certificates of the persons injured which were duly proved before him. The learned Counsel submitted that there is a clinching evidence on record to establish the guilt of the accused.

3. I have considered the submissions. The learned Chief Judicial Magistrate has held that there are material contradictions in the version of the prosecution witnesses and the same have been proved through the Investigating Officer. The learned Judge has referred to the evidence of P.W.1 Shailesh. The learned Judge referred to the fact that P.W.1 did not state before the Police in the complaint that the Accused had threatened to kill him. He did not state that the accused tried to take Sudhir on head and that he sustained injury on the hand. There is an omission to state that the Accused pelted stones. The learned Judge also noted that the deposition of the prosecution witnesses appears to be an after thought and it was an effort to convict the Accused merely on the basis of a testimony of these witnesses keeping in mind that the civil disputes between the Accused and the Complainant were pending.

4. The learned Chief Judicial Magistrate has observed that according to the P.W.1, his blood stained shirt was seized by the Police. The learned Judge has observed that not only that blood stained shirt is not produced, but the alleged weapon used in the offence has not been subjected to forensic analysis.

5. If these are the findings recorded by the learned Chief Judicial Magistrate, no interference is called for

in Revision Application. It is not permissible to reappreciate the evidence in Revision Application. The Criminal Revision Application is dismissed.

Judge.